

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

ALLSTATE INSURANCE COMPANY, *et al.*,

Plaintiffs,

-against-

MARK MIRVIS, *et al.*,

Defendants.

08-CV-4405 (SLT) (PK)

ORDER GRANTING PRELIMINARY INJUNCTIONS

WHEREAS, on July 5, 2016, Plaintiffs-Judgment Creditors Allstate Insurance Company, Allstate Indemnity Company, Deerbrook Insurance Company, Allstate New Jersey Insurance Company, and Allstate Property & Casualty Insurance Company (“Plaintiffs”) moved by orders to show cause for two *ex parte* temporary restraining orders issued the same date (ECF Nos. 388 & 389) (the “TROs”) and for preliminary injunctions (ECF Nos. 386 & 387) (the “Motions”), pursuant to Rules 65 and 69 of the Federal Rules of Civil Procedure and Section 5222 of the New York Civil Practice Law and Rules, as to six certain deposit accounts allegedly containing or consisting of property of judgment debtors Igor Zhuravsky and Mark Mirvis (the “Judgment Debtors”) and held in the name of nonparty Ruslan a/k/a Russell Zhuravsky (“R. Zhuravsky”) or held in the name of one or more of nonparties Tatyana Mirvis, Lyubov Mirvis, and Alexander Boriskin (the “Mirvis Nonparties”), specifically: (i) two accounts at TD Bank, N.A. (“TD Bank”) in the name of R. Zhuravsky and ending in -5912 and -0596; (ii) two accounts at HSBC Bank USA, N.A. (“HSBC”) in the name of Tatyana Mirvis and ending in -3710 and -9713; and (iii) two accounts at TD Bank in the name of Tatyana Mirvis and Lyubov Mirvis, and Tatyana

Mirvis and Alexander Boriskin, and ending in -0319 and -8848, respectively (all six accounts being referred to herein as the “Subject Accounts”); and

WHEREAS, on July 5, 2016, the Court entered Orders on Plaintiffs’ Motions granting the TROs and setting a show cause hearing for August 15, 2016, at 10:00 a.m., before the Honorable Sandra L. Townes at the of the United States District Court for the Eastern District of New York, located at 225 Cadman Plaza East, in the County of Kings and the State of New York (*see* ECF Nos. 388 & 389); and

WHEREAS, the Honorable Sandra L. Townes referred the Motions to the Honorable Peggy Kuo, United States Magistrate Judge, (*see* July 27, 2016 Order), and the show cause hearing was rescheduled for December 2, 2016, at 10:00 a.m. before the Honorable Peggy Kuo Courtroom 11C South of the United States District Court for the Eastern District of New York (*see* October 11, 2016 Order); and

WHEREAS, a show cause hearing was held on December 2, 2016, at 10:00 a.m.;

NOW, upon the Motions and all papers and exhibits filed by Plaintiffs, R. Zhuravsky, and the Mirvis Nonparties in connection with the Motions, and upon the arguments made at the show cause hearing by counsel for each of the foregoing:

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that pursuant to Rules 65 and 69 of the Federal Rules of Civil Procedure, and for the reasons set forth on the record by the Court at the show cause hearing on December 2, 2016, specifically finding that Plaintiffs have shown that (i) they will suffer irreparable harm if preliminary injunctions are not granted; and (ii) there is a likelihood of success on the merits of Plaintiffs’ forthcoming motions for turnover as to property of the Judgment Debtors in the Subject Accounts (the “Turnover Motions”) and, in the alternative, there are sufficiently serious questions going to the merits of

the Turnover Motions to make them a fair ground for litigation and the hardships tip decidedly toward Plaintiffs, the Judgment Debtors, R. Zhuravsky, the Mirvis Nonparties, any of their agents, servants, employees attorneys, or other representatives, and all persons or entities in active concert or participation with them who receive notice of this Order, by personal service or otherwise, are hereby preliminarily enjoined and restrained from directly or indirectly transferring, withdrawing, assigning, gifting, disposing or dissipating any property in the Subject Accounts or permitting or suffering the same; and

IT IS FURTHER ORDERED, that HSBC and TD Bank, any of their affiliates, subsidiaries, parents or respective officers, agents, servants, employees attorneys, or other representatives, and all persons or entities in active concert or participation with them who receive notice of this Order, by personal service or otherwise, are hereby preliminarily enjoined and restrained from directly or indirectly allowing for the transfer, dissipation, withdrawal or disposing of any funds from the Subject Accounts; and

IT IS FURTHER ORDERED, that the preliminary injunctions granted herein supersede the TROs and shall remain in full force and effect until the Court enters a final determination on each respective forthcoming Turnover Motion (*see* December 2, 2016 Minute Order, ECF No. 454) should it be denied, or if granted, until the completed remittance to Plaintiffs of funds in the Subject Accounts pursuant to, and to the extent of, any turnover or related order of the Court.

Dated: Brooklyn, New York
December 8, 2016

SO ORDERED:


PEGGY KUO
United States Magistrate Judge